

Notice of Allowability

Application No.

10/620,087

Examiner

Michael J. Feely

Applicant(s)

MCGEE ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 3/27/2006.
2. ☒ The allowed claim(s) is/are 1-7,9-21 and 23-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0106,0306
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Discussion of IDS documents.

Michael J. Feely
Primary Examiner
Art Unit: 1712

DETAILED ACTION

Pending Claims

Claims 1-7, 9-21, and 23-41 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on March 27, 2006 has been entered.

Information Disclosure Statement

2. Applicant has filed two information disclosure statements. The following is a summary of these references:

- ***Bammel et al. US Pat. No. 6,989,411***: With respect to dates, this reference falls under the category of a 102(e) reference; however, the patented reference is not *by another*. The inventive entity is exactly the same as the inventive entity of the instant application.
- ***Ahmed et al. WO 91/05023 (US Pat. No. 5,500,460)***: With respect to dates, this reference falls under the category of a 102(b) reference; however, this reference does not disclose the instant invention. The process described in this reference does not provide a step of polymerizing an ethylenically unsaturated monomer in the presence of water, a surfactant, and an epoxy pre-polymer (*see instant claims 1 & 11*). Furthermore, the dispersion particles produced in the reference are not composite particles featuring:

epoxy/polymerized ethylenically unsaturated monomer/latent curing agent (*see claims 18 & 30*); and epoxy/polymerized ethylenically unsaturated monomer (*see claims 25 & 36*).

- ***Weller et al. WO 03/026888 (US Pat. No. 6,645,633)***: With respect to dates, this reference falls under the category of a 102(a/e) reference; however, the reference does not disclose the instant invention. The process described in this reference does not provide a step of polymerizing an ethylenically unsaturated monomer in the presence of water, a surfactant, and an epoxy pre-polymer (*see instant claims 1 & 11*). Furthermore, the dispersion produced is a mixture of epoxy particles, acrylic particles, and hardener particles. The dispersion particles produced in the reference are not composite particles featuring: epoxy/polymerized ethylenically unsaturated monomer/latent curing agent (*see claims 18 & 30*); and epoxy/polymerized ethylenically unsaturated monomer (*see claims 25 & 36*).
- ***Bammel et al. WO 03/042275 (Pub. No. US 2003/0149169)***: With respect to dates, this reference falls under the category of a 102 (a/e) reference; however, the published reference is not *by another*. The inventive entity is exactly the same as the inventive entity of the instant application.
- ***McGee et al. WO 04/007443 (Pub. No. US 2004/0043155)***: This reference does not qualify as prior art. Furthermore, the US publication corresponds to the application number of the instant application.

Allowable Subject Matter

3. Claims 1-7, 9-21, and 23-41 are allowed.

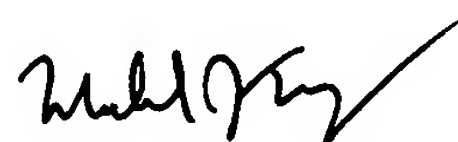
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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael J. Feely
Primary Examiner
Art Unit 1712

April 17, 2006

MICHAEL FEELY
PRIMARY EXAMINER